



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

APR 16 2004

WA 2813
4-16-04

Reply To
Attn Of: WCM-126

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. William Johnson
Earle M. Jorgensen Company
10650 South Alameda
Lynwood, CA 92821

**Re: Evaluation of Responses to EPA Comments on the Draft Environmental Sampling Work Plan
Seattle, Washington
EPA ID No. WAD 00060 2813
CERCLA Docket No. 10-2003-0111**

Dear Mr. Johnson:

The U.S. Environmental Protection Agency Region 10 (EPA) received the Response to EPA Comments on the Draft Environmental Sampling Work Plan (the Work Plan) prepared by Farallon Consulting on behalf of the Earle M. Jorgensen Company (Jorgensen) and dated February 23, 2004. The Work Plan has been prepared to fulfill the requirements of the 2003 Administrative Order on Consent (AOC) and the results of the February 5, 2004 meeting between Jorgensen's representatives and EPA. The initial EPA comments were provided to Jorgensen in a letter dated January 22, 2004.

EPA must note that the first paragraphs of the AOC and the Statement of Work (SOW) which is attached to the AOC directs Jorgensen to determine whether sediments in the Duwamish Waterway have been impacted by current or historical operations at the Jorgensen Forge site. Previous investigations at the Jorgensen Forge site have documented hazardous substances such as total petroleum hydrocarbons (TPH) in soil and groundwater, which could act as potential sources to sediment. Therefore, EPA is concerned that contamination at the site has not been fully characterized and is reserving all rights under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to require Jorgensen to perform additional work to delineate all potential site-related sources of contamination to the Duwamish Waterway.

The following is EPA's evaluation of your responses to our initial comments.

1. Page 1, Second Paragraph, Last Sentence & Response to EPA Comment 10

EPA reiterates its position that there is insufficient information with respect to whether the outfalls are a migration pathway. To address this data gap, EPA may require Jorgensen to conduct outfall sampling in the future.



2. Page 1, Third Paragraph

Jorgensen states here that they will only sample the nearshore zone if the bank appears to be contaminated. Please be advised that EPA will be sampling the nearshore zone and depending on the results of EPA's sampling efforts and Boeing's Area I sampling, EPA may require Jorgensen to perform more inclusive investigatory activities which may include delineation of the complete nature and extent of all Jorgensen's potential sources.

3. Response to EPA Comment 1

The response to EPA Comment 1 is inadequate. It is unclear whether the response states that both conditions must exist or whether sediment sampling will be conducted if either condition exists. EPA requires Jorgensen to collect sediment samples if either condition existed. The response must be revised accordingly.

Further, the response states that, "An evaluation of the analytical results of soil samples from the bank face, fill material, and soil within close proximity to the buried storm drain lines would be adequate to determine if elevated concentrations of PCBs are present in these media and thus if sediment sampling is warranted." However, per agreements reached in the February 5, 2004 meeting, actual storm drain sampling will also be performed.

4. Response to EPA Comment 2

The response to EPA Comment 2 states that a lack of sediment data is not a data gap unless a migration pathway is identified. Migration pathways have been identified (e.g., erosion, outfalls), although releases have not been established from the site. The Addendum Work Plan must clearly state that the need for sediment data is not predicated on establishing a release from the site.

Likewise, Jorgensen's responses to EPA Comments 6, 8, and 10 are insufficient because pathways have already been identified. The Addendum Work Plan must fully discuss that the need for sediment data is not predicated on establishing a release from the site and that the migration pathways have been identified.

5. Response to EPA Comment 2, last sentence.

This response does not reflect discussion and agreement reached in the February 5, 2004 meeting. Sampling the storm drain system is required to the extent possible. The response to comment 16 does not reflect this agreement either.

6. Responses to EPA Comments 18 & 20

Jorgensen incorrectly interpreted EPA July 28, 2003 decision letter. The reference to this letter must be deleted. EPA July 28, 2003 decision letter did not state that EPA "concluded" that any PCB-contaminated sediment found adjacent to Jorgensen is a result of migration from other facilities. EPA's decision letter was issued solely for the purpose of requiring Boeing to collect additional data adjacent to their proposed Duwamish Sediment Other Area (DSOA) boundary to determine the extent of contamination.

7. Response to EPA Comment 36

This response is inadequate. Qualifying data with flags is no substitute for lower reporting limits. A Practical Quantitation Limit (PQL) of 10-20 ug/kg, (rather than 100 ug/kg) is typically achievable for sediment testing. Jorgensen must provide explanation for using a different PQL.

Jorgensen must prepare the Addendum to the Work Plan that is responsive to all EPA comments. As previously agreed, the Addendum will be submitted to EPA within 20 business days of receipt of this correspondence.

Should you have any questions please do not hesitate to call me at 206/553-5122.

Sincerely,

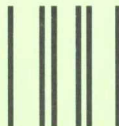


Anna I. Filutowski
Project Manager

cc: Brad Helland, Ecology – NWRO
Marla Steinhoff, NOAA
Laurie Geissinger, Seattle City Light
Amy Essig-Desai, Farallon Consulting
William Ernst, The Boeing Company

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Mr. William Johnson
Earle M. Jorgensen, Co.
10650 South Alameda
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